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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/621,559	07/21/2000	Hiromichi Ishida	A235	4599

21254 7590 07/06/2004
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VIENNA, VA 22182-3817

EXAMINER

PEREZ GUTIERREZ, RAFAEL

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 07/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/621,559

Applicant(s)

Ishida

Examiner

Rafael Perez-Gutierrez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) 9-12 and 36-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 13-35 and 40-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4 and 6.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. This Action is in response to Applicant's response to restriction requirement filed on April 15, 2004. **Claims 1-54** are still pending in the present application. **This Action is made NON-FINAL.**

Election/Restriction

2. Applicant's election without traverse of **claims 1-8, 13-35, and 40-54** in the reply filed on April 15, 2004 is acknowledged.

3. **Claims 9-12 and 36-39** are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention.

Priority

4. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

5. The information disclosure statements submitted on October 10 2000 and April 10, 2002

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have been considered by the Examiner and made of record in the application file.

Drawings

6. The formal drawings received on October 10, 2000 have been approved by the Draftsman.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office Action:

A person shall be entitled to a patent unless -- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8, 13-35, and 40-54 are rejected under 35 U.S.C. 102(e) as being anticipated by **Boltz (U.S. Patent # 6,131,024)**.

Consider **claims 1, 17, 28, and 44**, Boltz clearly shows and discloses a method of making a call, a storage medium, and an information terminal 300 (figure 3) having a function of making a call, comprising:

a communicator (inherent) making communication with a calling or called party (column 1 lines 36-40);

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a memory storing at least one an exception code (column 2 lines 52-61 and column 3 lines 41-53); and

a main control unit (inherent), said main control unit determining an item to be monitored, judging whether said item meets with a predetermined condition for prohibiting making a call, judging whether a code of a calling or called party is coincident with said exception code, and prohibiting making a call, if said predetermined condition satisfied, and if said code of a calling or called party is not coincident with said exception code (abstract, figure 2, column 2 line 52 - column 3 line 4, column 3 line 41 - column 4 line 9, and column 4 line 29 - column 5 line 4).

Consider **claims 2 and 29**, and **as applied to claims 1 and 28 above**, Boltz further disclose wherein said main control unit allows a desired exception code to be stored in said memory (column 2 lines 52-61).

Consider **claims 3, 4, 18, 30, 31, and 45**, and **as applied to claims 1, 17, and 28 above**, Boltz also disclose wherein said main control unit judges whether a clear condition, designated by a controller, is satisfied or not, and resets said item, if said clear condition is satisfied (column 3 lines 41-67 and column 4 line 59 - column 6 line 4).

Consider **claims 5, 13, 14, 19, 20, 24, 25, 32, 40, 41, 46, 47, 51, and 52**, and **as applied to claims 1, 3, 4, 17, 28, and 45 above**, Boltz further disclose wherein said main control unit determines a fee index corresponding to a communication fee, as said item, judges whether said fee index is over a predetermined upper limit of a fee index, and judges that said predetermined condition for prohibiting making a call is satisfied, if said fee index is over said predetermined

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upper limit of a fee index (column 3 lines 41-67).

Consider **claims 6-8, 15, 16, 21-23, 26, 27, 33-35, 42, 43, 48-50, 53, and 54**, and as **applied to claims 3, 5, 14, 18, 19, 25, 30, 32, 41, 45, and 52** above, Boltz also disclose wherein said main control unit calculates said fee index based on an index signal transmitted during communication, wherein said clear condition is that the present date reaches a predetermined date, and wherein said clear condition is that a predetermined data is transmitted during communication (column 2 lines 52-61, column 3 lines 41-67, and column 4 line 59 - column 6 line 4).

Conclusion

8. Any response to this Office Action should be **faxed to (703) 872-9306 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Crystal Park II
2021 Crystal Drive
Arlington, VA 22202
Sixth Floor (Receptionist)

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rafael Perez-Gutierrez whose telephone number is (703) 308-

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8996. The Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700 or call customer service at (703) 306-0377.


Rafael Perez-Gutierrez
R.P.G./rpg **RAFAEL PEREZ-GUTIERREZ**
PATENT EXAMINER

June 26, 2004